



# UNITED STATES PATENT AND TRADEMARK OFFICE

*mN*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,967	11/26/2003	Joseph G. Laura	IDF 2584 (4000-16100)	9521
28003	7590	06/07/2007		
SPRINT			EXAMINER	
6391 SPRINT PARKWAY			WANG, BEN C	
KSOPHT0101-Z2100				
OVERLAND PARK, KS 66251-2100			ART UNIT	PAPER NUMBER
			2192	
			MAIL DATE	DELIVERY MODE
			06/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	Application No. 10/723,967	Applicant(s) LAURA, JOSEPH G.	
	Examiner Ben C. Wang	Art Unit 2192	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Brian Genco. (3) Ben C. Wang.  
 (2) Tuan Q. Dam. (4) \_\_\_\_\_.

Date of Interview: 30 May 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1, 12, 21 and 35.

Identification of prior art discussed: Zielinski et al. and Bates et al.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

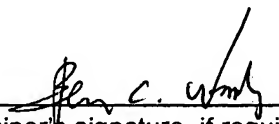
The applicant agreed upon adding "non-intrusively" term to all of independent claims.  
The examiner will reconsider the case upon receiving amendment response.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.1 33 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

PTOL-413A (09-06)  
 Approved for use through 03/31/2007, OMB 0651-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/723,967 First Named Applicant: Joseph G. Laura  
 Examiner: Ben C. Wang Art Unit: 2192 Status of Application: Non-Final Rei.

**Tentative Participants:**

(1) Brian Genco (2) Ben C. Wang  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: TBD Proposed Time: \_\_\_\_\_ (AM/PM)

**Type of Interview Requested:**

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rei.</u>	<u>1,12,21</u>	<u>Zichinski, Bau</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

**Brief Description of Arguments to be Presented:**

See Attached.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
 Applicant/Applicant's Representative Signature

\_\_\_\_\_  
 Examiner/SPE Signature

Brian Genco

Typed/Printed Name of Applicant or Representative

58,096

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

### Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**Atty Docket: IDF 2584 (4000-16100)****Patent****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Joseph G. Laura	§	
		§	Group Art Unit: 2192
Serial No.:	10/723,967	§	
		§	Examiner: Wang, Ben C.
Filed:	November 26, 2003	§	
		§	Confirmation No. 9521
For:	APPLICATION MONITOR SYSTEM AND	§	
	METHOD	§	
		§	

**Interview Request Attachment**

Applicant acknowledges receipt of the Office Action dated March 8, 2007, and respectfully requests the following proposed amendments and arguments for discussion in a telephone interview. The proposed amendments are not to be entered in response to the Office Action dated March 8, 2007. The changes made are shown by underlining the added text and striking through the deleted text.

**Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

**Atty Docket: IDF 2584 (4000-16100)**

**Patent**

***Listing of the Proposed Claims:***

1. (Currently Amended) A system for monitoring an application, comprising:

a first module ~~operable to~~ stored on a computer-readable medium that attaches to a memory area that is used by an application ~~[[in]]~~ during real-time operation, the first module ~~further operable to read~~ application values from the memory area that have been stored in the memory area by the application ~~[[in]]~~ during real-time operation;

a second module stored on a computer-readable medium in communication with the first module ~~and operable to~~ that requests the first module to read the application values, the second module ~~further operable to receive~~ the application values from the first module; and

a third module stored on a computer-readable medium in communication with the second module, ~~the third module operable to~~ that displays the application values.

12. (Currently Amended) A method of monitoring operation of an application, comprising:

running an application in a real-time manner;

generating application values ~~stored in a memory area~~ during operation of the application;

storing the application values in a memory area during the operation of the application;

reading the memory area used by the application to obtain the application values, wherein

at least one of the application values is not output by the application;

and

displaying the application values read from the memory area.

*Atty Docket: IDF 2584 (4000-16100)*

*Patent*

21. (Currently Amended) A system for non-intrusively monitoring variables during operation of an application, comprising:

a compile listing stored on a computer-readable medium having an address map with an offset for at least one variable of an application; and

a module stored on a computer-readable medium ~~operable to that~~ reads the compile listing and obtains the offset of the at least one variable of the application, the module ~~further operable to attaches~~ to an address space ~~where used by~~ the application ~~is operating during operation~~ to obtain a value for the variable using the offset.

35. (Currently Amended) A system for monitoring COBOL application values, the system comprising:

a memory area;

a COBOL program stored on a computer-readable medium ~~operable to that~~ generates program values and stores the program values in the memory area during real-time operation of the COBOL program; and

a COBOL monitor module stored on a computer-readable medium ~~operable to that~~ shares the memory area with the COBOL program ~~[[to]]and~~ reads the program values stored in the memory area by the COBOL program.



**Atty Docket: IDF 2584 (4000-16100)****Patent****REMARKS****Response to Rejections**

Claims 1 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Zielinski et al. (*A Tool for Monitoring Software-Heterogeneous Distributed Object Applications*, 1995, IEEE) (hereinafter "Zielinski").

Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zielinski in view of H. Kashima (*An Approach for constructing Web Enterprise Systems on Distributed Objects*, Jan., 20000, IBM) (hereinafter "Kashima").

Zielinski does not disclose "a module that attaches to a memory area that is used by an application during real-time operation, the first module reads application values from the memory area that have been stored in the memory area by the application during real-time operation," as required in the proposed amendment of claim 1. Rather Zielinski discloses in Sec. 2, 2<sup>nd</sup> Para., Lines 9-13 that original application code is instrumented with notification functions. Therefore the application code is being modified to output events. Similarly, the limitations of claims 12 and 35 are not disclosed by Zielinski.

Claim 21 was rejected under 35 U.S.C. § 102(c) as being anticipated by Bates et al. (U.S. Patent 7,086,033) (hereinafter "Bates").

Bates does not disclose a module that attaches to an address space used by the application during operation to obtain a value for the variable using the offset as required in the proposed amendment of claim 21. Rather, in column 3, lines 56-65 Bates discloses a debugger that modifies the application program to include breakpoints to stop the application such that the data

**Atty Docket: IDF 2584 (4000-16100)****Patent**


in various addresses of memory can be examined.

### CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2286.

Respectfully submitted,

Date: 5/21/07

  
\_\_\_\_\_  
Brian Genco  
Reg. No. 58,096  
for  
Michael W. Piper  
Reg. No. 39,800

ATTORNEY FOR APPLICANT

CONLEY ROSE, P.C.  
5700 Granite Parkway, Suite 330  
Plano, Texas 75024  
(972) 731-2288  
(972) 731-2289 (facsimile)